M.R.O. 1—77,000—8-6-31.

(1) Number of pages 12

(2) Date of repair 6.6.96

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1901 Press
328-30 Mis.-

Dated 19. 7. 1890.

Not to be folded or roughly handled

Read the following papers :—

No. 328. From Lieutenant-Colonel R. A. ROBERTS, R.E., Acting Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Madura, 29th June 1871, No. 1,052.

In obedience to the instructions contained in G. O., No. 1,639, dated 19th June 1871, paragraph 2, directing me to furnish full particulars as to whether a criminal charge can be successfully laid against Mr. Supervisor Martin, I have the honour to report as follows :

2. In paragraph 16 of my letter quoted in the G. O., I have stated my general conviction that Mr. Martin could be successfully indicted for fraud. To attain this end, however, it would be necessary for me to detail one of my staff expressly for this duty for the period of *at least* one month. He would have to examine many bills and documents, and to have to measure up many works. As the duty would be somewhat invidious, and the party conducting it would make a host of enemies for himself all over the country, it would be necessary that special allowances should be passed to him during his disagreeable task. If this be conceded, I will engage to find a man equal to the occasion. And I would recommend that the ordinary travelling allowance of his rank be passed to him while so employed, in addition to a bonus of Rupees 100 for conducting the examinations and inspections.

3. I take this opportunity of bringing to the notice of the Government that, subsequent to my report under notice, I have been informed by a former Superintendent of Police at Madura that some five years ago, and within a week of Mr. Martin's arrival at Madura from the Coimbatore District, he (Mr. Martin) was reported to my friend, when Superintendent of Police, as having been seen running about the streets of Madura stark naked, in a fit of *delirium tremens*.

4. Now, I venture to ask, suppose that a gentleman of fortune at home were to put as bailiff of one of his out-lying properties, which was visited by himself only once in five years, and was completely isolated in its position, a man notorious for his inebriate habits, would that landlord, on ascertaining that he had been systematically defrauded for many years, get any satisfaction at law by prosecuting his drunken bailiff. And what damages could he expect ? I respectfully entreat, therefore, that the matter may be disposed of departmentally.

5. In my letter No. 734, dated 6th June, paragraph 10, I have brought to your notice that Mr. Martin's is by no means a solitary instance of corruption in this division, and that revelations from No. 3 Range, Tinnevelly, may shortly be expected. If both these cases are to be made subjects of judicial investigation, the department, judging from what was the case in the recent trials at Palamcottah, will be almost paralysed, as far as all professional supervision is concerned, so long as the trials last. I wish it to be understood at the same time that I am far from thinking that in no case whatever are departmental frauds to be subjected to magisterial enquiry or judicial investigation, but simply that in the case of Mr. Martin there are circumstances which appear to me to indicate that such a course is undesirable.

No. 329. Endorsement of the Revenue Department, dated 1st July 1871.

Proceedings of the Board of Revenue, dated 22nd June 1871, No. 2,507.

Read the following letter from the Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Peracolum, 28th April 1871, No. 125.

In forwarding, for the consideration and orders of the Board, the papers as per accompanying list, bearing on the subject of the construction of the road between Sivagangah and Tiroopatur from the District Road Fund, I have the honour to state, that an estimate for Rupees 41,050 was sanctioned by Government in their Order, No. 519, dated 25th February 1868, Revenue Department, and the work was entrusted by me to a Contractor named Ragavacharyar, on the recommendation of Colonel Wilkieson. The Contractor accordingly put the work in hand, and produced three completion certificates from the 3rd Range Officer Mr. Martin, in the last of which he (Mr. Martin) declared that he found the work had been executed to the *extent* of the estimate, as per particulars given by him.

2. From Mr. Leggatt's letter to the Superintending Engineer, dated 4th July 1870, No. 149, (entered as No. 11 in the list,) and the comparative statement (No. 13) which accompanied it, it will be seen that the work was not done according to the estimate. There is excess work in certain items and less in others, while the masonry works were not only generally bad in execution, but in three cases the tunnels were constructed on old foundations, contrary to the provisions of the estimate.

3. The work was not executed by the Contractor according to the estimate, whereas Mr. Martin, in two of the completion certificates first given by him, testifies to the work having been carried out *according* to the estimate, but in the third and last one he cautiously states that it was done *to the extent* of the estimate. It is upon this last statement that Mr. Martin tries to excuse himself for not bringing either to my notice or to that of the Superintending Engineer that the work was not done as per estimate. It was his duty to see, before granting the certificates to the Contractor, to enable him to draw the money, that the work was done substantially and with good materials, and according to the estimate, but his explanation, the Board will see, is not satisfactory.

4. The Contractor deviated from the estimate, but states that he did so under the authority of Mr. Martin, which he (Mr. Martin) denies, although no deviations from the sanctioned estimate can be made without sanction of the authorities; yet, as Mr. Leggatt is of opinion that the work in excess of the estimate was required to meet the defects in the estimate which was framed by Mr. Martin, the payment to the Contractor for the excess work done by him can stand.

5. With regard to the masonry works which were condemned by Mr. Leggatt, I think the Contractor is not entitled to payment as they have to be rebuilt. The cost of the masonry works is Rupees 8,406, but there is only a sum of Rupees 5,000 out of the estimate which was not paid to the Contractor. I therefore request the authority of the Board for withholding payment of this sum only. There is no means of recovering the balance of Rupees 3,106. This Contractor is the person who was convicted of fraud with Mr. Colquhoun in the recent Tinnevelly case.

Enclosures Nos. 1 to 21.

Abstract.—Papers relating to the construction of the road between Sivagangah and Tiroopatur.

Enclosure No. 22.—List of papers.

The Rupees 5,000 still in hand should be retained until the "tunnels that have been constructed on old foundations and the new ones that have already cracked and old ones simply plastered and passed off as new" are re-built and the road is made passable for traffic.

2. The conduct of Mr. Martin in granting completion certificates when the work was much of it bad and not according to estimate, and in not informing his superiors of deviations from the estimate which he had remarked will be brought to the notice of Government. The late Superintending Engineer, Major Payne, suggested this course in his letter of the 10th August 1870. Laxity in granting completion certificates is a vital error.

3. The Collector will report who is responsible for the "careless" estimate with its "absurdly high rates." From a passage in one of Mr. Martin's letters it seems likely that he is responsible for this also.

Transferred to Department Public Works for consideration of paragraph 2.

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

No. 330. Order thereon, 19th July 1871, No. 1,907.

ESTABLISHMENT, No. 36.

His Excellency the Governor in Council resolves to authorize the Acting Superintending Engineer of the 8th Division to employ the person referred to by him in paragraph 2 of his letter above recorded on the duty of collecting such evidence as is necessary for a successful criminal prosecution against Mr. Martin.

2. Lieutenant-Colonel Roberts will report the action taken by him on the receipt of these instructions.

(True Extract.)

(Signed) J. CARPENDALE, Colonel, R.E.,
Secretary to Government.

To the Acting Superintending Engineer, 8th Division.
,, Controller of Public Works Accounts.

Exd. S. T. Augustin.

No 1052

Madura
29th June 1871

From

Lieut. Col: H. A. Roberts R.E
Ag Superintg Engineer 8th Dn

To

Colonel J. Campbell R.E
Secretary to Government &c
&c &c

In obedience to the instructions contained in G.O. No 1639 dated 19th June 1871 para 2 directing me to forward full particulars as to whether criminal charges can be successfully laid against Mr. Supervisor Martin, I have the honor to report as follows:-

2d In para 16 of my letter quoted in the G.O. I have stated my general conviction that Mr. Martin could be successfully indicted for frauds. To attain this end, however, it would be necessary for me to detail one of my staff

especially for this duty for the period of at least one month. He would have to examine many bills and documents and to have to measure off many works. To the duty would be somewhat irksome and the party conducting it would make a host of enemies for himself all over the country. It would be necessary that special allowances should be passed to him during his disagreeable task. If this be conceded, I quite engage to find a man equal to the occasion. And I would recommend that the ordinary travelling allowance of his grade be passed to him while so employed, this addition to all scales of subsistence for conducting the examinations and inspections.

3 I take this opportunity of bringing to the notice of the Government that subsequent to any report under notice, I

have been informed by a former Superintendent of Police at Madura that some five years ago, another Amuldar of Mr Martin's animal at Madura from the Collector District, to Mr Martin was reported to my friend, when Superintendent of Police as having been seen running about the streets of Madura stark naked in a fit of delirium tremens. I see I mentioned the case to a gentleman of the Civil Service at home soon to take charge of one of the outlying districts, which was visited by him once only once in five years, and was completely isolated in its position, a man notorious for his inebriate habits, whilst that Landlord in question that he had been systematically defrauded for many years, get any satisfaction at law by prosecuting this drunken Bailiff and what damages

No 228

Proceedings of the Supreme Court
in 1870 & the Supreme Court
Martial held in Fiji in 1871

Mark the following

Present Chief Justice Sir W. G. Smith Knt
Puisne Judge W. C. Cornwall Esq
Puisne Judge H. E. Thurston Esq

The Queen against Mr. Edward Hennah
Charged with having on the
Island of Ovalau in the Month of
February 1870 unlawfully
& maliciously shot at
Thomas Williams with
intent to murder him

Mr. Hennah pleaded Not Guilty
to the Indictment

Mr. Attorney General for the Crown
Mr. Hennah Defendant in person

Mr. Attorney General opened the case
for the Crown & called
Thomas Williams who was sworn
& examined by Mr. Attorney General

Mr. Hennah cross examined the witness

Mr. Attorney General addressed the Court
for the Crown

Mr. Hennah addressed the Court in his own
behalf

The Chief Justice summed up the evidence
& the Court retired to consider
their verdict

The Court returned into Court
& the Chief Justice asked the Jury
if they had agreed upon their verdict

The Foreman of the Jury replied
that they had not agreed upon their verdict
& that there was no probability of their
ever agreeing upon it

The Jury were discharged

Chief Justice

Attorney General

Mr. Hennah

Proceedings of the Supreme Court
in 1870 & the Supreme Court
Martial held in Fiji in 1871

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Mr. Hennah Defendant in person

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for the Crown & called
Thomas Williams who was sworn
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Mr. Attorney General addressed the Court
for the Crown

Mr. Hennah addressed the Court in his own
behalf

The Chief Justice summed up the evidence
& the Court retired to consider
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& the Chief Justice asked the Jury
if they had agreed upon their verdict

The Foreman of the Jury replied
that they had not agreed upon their verdict
& that there was no probability of their
ever agreeing upon it

The Jury were discharged

Chief Justice

Attorney General

Mr. Hennah

Brig Dove 1871 Nos 205-211
" 26th " " 361-362

No 228
26th July 1871

No. 1871 Colo
Supt. Govt. for July
Encl 2 No. 3111.

The Acting Deputy Engineer
&c &c &c

Sir

The Secretary to
Government has the
honor to inform you
that Mr. Hennah
has been committed
for trial by the Supreme
Court Martial now
sitting for the
murder of Thomas
Williams at Ovalau
in February last

Dated 29th June 1871
Received 3 July

Points for what
course will be
to be adopted before
laying a criminal
charge against
the Superviser Martin
and the difficulties
attending such a
procedure.

No. 1907 - 19 July 71

will Report the action
taken by him on the re-
ceipt of these instructions.

6/14 W. P.

To the Asst Engineer 8th Dist. Little Rock
Controller
Recr Detr

Dept Ed 7/71

O/Ms 3137 & 3111

PUBLIC WORKS.

Herbert Superintending Engr
8th Division

19th July 1907.